

BEFORE THE HUMAN RIGHTS COMMISSION  
OF THE STATE OF MONTANA

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ARTHUR KASKE,	)	
	)	
Charging Party,	)	Cause No. 005501137
	)	
vs.	)	<b>ORDER AFFIRMING</b>
	)	<b>NOTICE OF DISMISSAL</b>
MARGARET BORG,	)	
	)	
Respondent.	)	

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On July 2, 2004, the Human Rights Bureau received a complaint filed by Charging Party, Arthur Kaske, alleging discrimination under Montana's Governmental Code of Fair Practices against his public defender, Margaret Borg. The allegations in Kaske's complaint were identical to allegations in a complaint Kaske filed in May 2002. *See Kaske v. Borg*, Case No. 0025010080. As noted by Kaske, he has appealed his prior complaint to the Fourth Judicial District Court. *See Kaske v. Borg*, DV-02-1070. Since Kaske's complaint was untimely, the Human Rights Bureau issued a Notice of Dismissal. *See* § 49-2-501(4), MCA (2003). Kaske filed an objection to the dismissal with the Human Rights Commission and the Commission considered the matter on September 23, 2004.

After careful and due consideration, the Commission finds that Kaske has filed an untimely complaint. Therefore, the Commission concludes the decision of the Human Rights Bureau to dismiss this matter does not constitute an abuse of discretion. 24.9.1714(3) ARM. Moreover, the Commission notes the Human Rights Bureau may issue a dismissal if the issues contained in the complaint are also before a court of competent jurisdiction. 24.8.403(3) ARM. If that District Court were to find that it does not have jurisdiction, Charging Party may **at that time** apply to have the matter reopened before the Human Rights Bureau. *Id.*

Charging Party will have 90 days after the receipt of this order to petition a district court in the district where the alleged violation occurred for the appropriate relief. § 49-2-509(5), MCA (2003); 24.9.1714(5), ARM. If Charging Party fails to commence a civil action within 90 days, the claim is time barred. *Id.*

IT IS HEREBY ORDERED, that Charging Party's objection is overruled. The Commission affirms the decision of the Human Rights Bureau to issue a notice of

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dismissal.

Dated this \_\_\_\_\_ day of October 2004.

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Mr. Gary Hindoien, Chair  
Montana Human Rights Commission

### **CERTIFICATE OF SERVICE**

The undersign employee of the Human Rights Bureau certifies that a true copy of the forgoing Human Rights Commission ORDER was served on the following persons by U.S. mail, postage prepaid, on October \_\_\_\_ 2004.

ARTHUR KASKE  
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GLENDALE MT 59330-1534

MARGARET BORG  
MISSOULA PUBLIC DEFENDERS OFFICE  
317 WOODY STREET  
MISSOULA MT 59802

MARIEKE BECK  
OFFICE OF LEGAL SERVICES  
DEPARTMENT OF LABOR AND INDUSTRY  
PO BOX 1728  
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Montana Human Rights Bureau